

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

GOVERNMENT OF THE VIRGIN ISLANDS, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CHARLES FELIX, )  
 )  
Defendant. )  
\_\_\_\_\_ )

D.C.CRIM. NO. 76-258

ORDER

This matter is before the Court upon petition to vacate, set aside, or correct his sentence filed pursuant to 28 U.S.C. §2255 by pro se petitioner Charles Felix. Because the District Court for the Virgin Islands is not a 'District Court' within the meaning of 28 U.S.C. §2255 and §2241, petitioner's pro se petition will be liberally construed pursuant to V.I. CODE ANN. tit. 5, § 1301. *Ali v. Gibson*, 15 V.I. 548 (3d Cir. 1978).

The court has reviewed the petition pursuant to 28 U.S.C. §1915(b) and finds that petitioner has demonstrated his inability to pay the prerequisite docketing fee. In addition, the Court finds that it is necessary for respondent to file a response to the petition. Accordingly,

**IT IS ORDERED :**

**THAT** petitioner's motion to proceed in forma

pauperis pursuant to 28 U.S.C. §1915(a) is **GRANTED**,  
without prepayment of filing fees or costs; and

**THAT** the United States Attorney shall file an  
answer to petitioner's motion no later than June  
30, 1994.

**DATED** this 26th day of May, 1994.

**FOR THE COURT:**

\_\_\_\_\_  
/s/  
**FRANK A. KAUFMAN**  
**SR. DISTRICT COURT JUDGE**

A T T E S T:  
Orinn Arnold  
Clerk of the Court

By: \_\_\_\_\_  
Deputy Clerk

Copies to: James Carroll, III, U.S. Attorney's Office  
Charles Felix, #39495-066  
Honorable James T. Giles  
Lori Gilmore, Esq.